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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/475,719	12/30/1999	W. LEO HOARTY	1436/139	6764

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EXAMINER

HUYNH, SON P

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 06/04/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/475,719

Applicant(s)

HOARTY, W. LEO

Examiner

Son P Huynh

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 7-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/3/2004 has been entered.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 7-10 have been considered but are moot in view of the new ground(s) of rejection.

Claims 1-6 have been cancelled.

### ***Terminal Disclaimer***

3. The terminal disclaimer filed on 12/08/2003 disclaiming the terminal portion of any patent granted on this application, which would extend beyond the expiration date

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of Patent No. 5,526,034 has been reviewed and is accepted. The terminal disclaimer has been recorded.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 7-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Yurt et al. (US 5,132,992).

Regarding claim 7, Yurt discloses different types of materials including television programs, movies, etc. are stored in source material library 111 (col. 6, line 8+). The data are retrieved, compressed and stored in compressed data library 118 with associated program notes (col. 10, line 66+ and figures 2a-2b). The user selects a title on the screen using user interface (col. 3, lines 55-60, col. 11, line 21+). The request for desired data is sent to transmission system 100. The requested data is retrieved and provided to reception system 200 using different transmission networks (figures, 2b, 7).

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The reception system includes user/computer interface 207 which receives request from user; transceiver 201 which receives requested data (audio and video data) transmitted by transmitter 122 of the transmission system 100; format converter 202, connected to transceiver 201, converts the compressed formatted data blocks into a format for playback by the user in real time, or storing in storage 203 for later playback; data formatter 204, connected to storage 203, processes the compressed formatted data blocks and distinguishes audio information from video information; audio decompressor 209 and video decompressor 208, connected to formatter 204, selectively decompress compressed audio and compressed video; converter 206, including digital video output converter 211 and analog video output converter 213, converts the decompressed video to a appropriate format and outputs to a playback system such as a TV (col. 18, line 1+ and figure 6). Therefore, home interface controller is met by reception system 200; data transceiver is met by transceiver 201; selection input is met by user/computer interface 207; television input is met by network input connected to transceiver 201; signal output is met by network output signals to TV.

Regarding claim 8, Yurt discloses reception system 200 is responsive to user requests for information stored in source material library 111. Transceiver 201 which receives video and/or audio information transmitted by transmitter 122 of transmission system 100 using different transmission networks (col. 18, line 1+ and figure 2b). Necessarily, a tuner coupled to the television input for tuning to the signal capable of full motion video (video or television program) wherein the tuner is controlled in response to either the

data signal from the selection input (from user) or the interactive process (from transmission system 100).

Regarding claim 9, the processor as claimed is met by video decompressor 208 and audio decompressor 209 (figure 6).

Regarding claim 10, Yurt teaches the interactive process provides digital full motion video (col. 6, line 10+).

6. Claims 7-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Young et al. (US 6,498,895).

Regarding claim 7, Young discloses interactive program guide is displayed on the screen, viewer uses interactive program guide to select a program to be recorded or to be displayed on the screen (col. 5, line 15+). A television schedule systems/tape controller in which the user interface is used (col. 12, line 48+). A tuner is used to received video signals and program schedule information from multiple sources such as cable via cable input 205, air-wave via antenna input 203; CPU 228 for controlling the system; remote driver 214 and remote controller 212 for receiving user input; schedule memory 232 for storing user command to record to selected program; video switcher 226 outputs selected video program to TV/monitor 210 for display (figures 22A-22B). When a request to time shift record a program is made, the title of the program and its

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record parameters (channel, start time and length) is copied from the schedule memory 232 to RAM memory 236. When the system clock 230 matches the schedule time, the CPU 228 will issue a channel command on the programmable tuner of the cable decoder, and a power on and record command to VCR 206 by means of remote driver 214. The received selected video program is later processed and provided TV 210 for display (col. 13, line 18+ and figures 22A-22B). Thus, the home interface controller is met by television schedule system/tape controller 180,182; data transceiver is met by TV tuner; selection input is met by remote controller 212 or remote driver 214; television input is met by input 201, 204, 205; signal output is met by output 260 or 250 or 218. wherein the subscriber interaction with the interactive process modifies the content of the signal capable of full motion video that gets received by the television input (in response to request, using interactive program guide, the tuner tunes to the selected channel to receive selected program and either record it or process the received program for display. As a result, the content of the signal that gets received by the television input is modified as the tuner switches channel).

Regarding claim 8, Young teaches a tuner (e.g., 207) coupled to the television input (205, 203) for tuning to the signal capable of full motion video wherein the tuner is controller in response to either the data signal from selection input (user request from remote controller- 212) or the interactive process (update command from local stations – col. 13, line 4+).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 9- 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Young et al. (US 5,809,204) as applied to claim 7 above, and in view of Tindell et al. (US 5,130,792).

Regarding claim 9, Young teaches a system as discussed in the rejection of claim 7.

However, Young does not specifically disclose a decompressing a digitally compressed digital signal.

Tindell teaches data decompression 82 decompresses received digital compressed data and provides to signal output for playback (figures 5, 7 and col. 5, line 43+).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Young to use the teaching as taught by Tindell in order to improve efficiency in data transmission.

Regarding claim 10, Young teaches a system as discussed in the rejection of claim 7.

However, Young does not specifically disclose provides digital full motion video.



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Tindell teaches data facility provides digital full motion video (digital video programs - figures 1-3 and col. 2, line 44+). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Young to use the teaching as taught by Tindell in order to improve efficiency in data transmission.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

McCalley et al. (US 5.208.665) teaches presentation player for an interactive digital communication system.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son P Huynh whose telephone number is 703-305-1889. The examiner can normally be reached on 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Son P. Huynh  
May 21, 2004

  
HAITRAN  
PATENT EXAMINER